

STORM WATER DISCHARGE PERMIT GUIDANCE FOR RECYCLING FACILITIES

Must My Recycling Facility Get a Permit?

Several types of industrial activities commonly have materials and processes outdoors that can affect the environment in various ways. One common affect on the environment is the contamination of water from industrial pollutants that are washed into our state's lakes and streams by rain and snow. In 1990, federal regulations were published which identified several types of industries that are required to apply for National Pollutant Discharge Elimination System (NPDES) permits if storm water (rain or snowmelt) contacts areas of industrial activity at the facilities and discharges into a lake, stream or other surface water body. Recycling facilities (including auto salvage yards, metal scrap yards, and recyclers of other waste materials) engage in a number of industrial activities that are covered under the regulations. You can determine if a storm water permit is necessary for your recycling facility by answering the following questions.

1. What is Your Establishment's SIC Code, and is it Covered Under the Federal Storm Water Regulations?

All commercial businesses have an industry-specific 4-digit Standard Industrial Classification (SIC) code number based on the primary activity of the business. Several SIC codes relating to recycling industries are listed in the federal storm water regulations. Operators of facilities with listed SIC codes are required to apply for storm water discharge permits if they also meet conditions 2 and 3 below. The following SIC codes are among those listed in the regulations:

5015 Motor Vehicle Parts, Used

Establishments primarily engaged in the wholesale or retail distribution of used motor vehicle parts. This includes dismantling vehicles for the purpose of selling parts.

5093 Scrap and Waste Materials

Establishments primarily engaged in assembling, breaking up, sorting, and wholesale distribution of scrap and waste materials.

Some establishments have more than one SIC code, depending on the types of activities performed. The primary SIC code (based on the greatest source of revenue) is used to determine if an establishment is included in the storm water regulations.

2. Is there a discharge of Storm Water Runoff to Surface Waters of the State?

"Storm water runoff" consists of rain, snow or any other form of precipitation that falls on the facility and runs (flows) off the property. Storm water that does not discharge off the site of a regulated industrial activity or which does not follow a definable path to a surface water body will not need a permit.

"Surface waters of the state" include lakes, rivers and streams, county drains, road side ditches and all other water courses and waters within the confines of the state and also the Great Lakes bordering the state. Discharges through a separate storm sewer system are also considered to be discharges to waters of the state.

A recycling facility needs a storm water discharge permit if it meets both of the conditions listed above. A storm water discharge permit application is not needed if one or more of the above conditions do not apply to the facility.

Are there any exemptions?

Yes, a permit application is not required for facilities whose storm water is discharged into a sewer system designed to combine rain water runoff and sanitary wastewater (called a combined sewer) which leads to a wastewater treatment plant. Combined sewers are common in several large cities in Michigan. You may contact in your city to determine if your site is served by combined or separate storm sewers.

What if I Lease My Facility?

The facility operator rather than the property owner must apply for permit coverage.

How to Apply for Coverage

To apply for coverage, submit a Notice of Intent (NOI) to the Michigan Department of Environmental Quality, Surface Water Quality Division district office in your area. Your submitted NOI will be reviewed by the Department. If coverage under the industrial storm water general permit is appropriate, a Certificate of Coverage will be issued to you. Each applicant that receives a Certificate of Coverage will be responsible for developing and implementing a storm water pollution prevention plan. Schedules and criteria for developing and implementing the pollution prevention plan are found within the enclosed general storm water permit (PR 4674). Each permitted facility will also be assessed an annual fee of \$200.00 for permit coverage.

What Happens if I Ignore This?

If a required applicant ignores the permit application requirement or does not return the enclosed NOI, the individual may be in violation of federal and state law. Violations may result in fines, legal action, or expose the facility to citizen lawsuits. Federal and state statutes allow fines up to \$25,000 per day of violation. If you have determined that a storm water permit is not needed for your facility, please fill out and return the enclosed response form so that MDEQ can remove your facility name from the mailing list and discontinue further correspondence regarding your facility.